

1085/4	76	0623	12 15 76	3	190	1	12	X		2,250,000	Inj.	8508 8709	P	76	0623-76 Class E
--------	----	------	----------	---	-----	---	----	---	--	-----------	------	--------------	---	----	--------------------

PLAINTIFFS

SMOKEY'S OF TULSA, INC.,
an Oklahoma corporation

DEFENDANTS

79 0123

Consolidated

AMERICAN HONDA MOTOR CO., INC.;
SCHOLFIELD, SCHOLFIELD AND NELMS,
INC. dba HOUSE OF HONDA, an Ark-
ansas corporation; HARRISON MOTOR-
SPORTS, INC. dba HARRISON HONDA, an
Arkansas corporation; BLUFF MOTOR-
CYCLE SERVICE, INC., a Missouri
corporation dba BLUFF HONDA;
ABERNATHY MOTORCYCLE SALES, INC.,
a Tennessee corporation; BILL
BENNETT dba BILL'S CYCLES

CAUSE

15 USC Secs. 15, 22, 13, 14
28 USC Secs. 1331, 1332, 1337

ATTORNEYS

Lawrence A. Johnson
1732 E. 30 Pl.
Tulsa, OK 74114
918/743-3012

Charles S. Holmes (Bluff Motorcycle)
2003 East 15th St.

Tulsa 74104

James H. Chafin Letter 8-28-79

Paul H. Johnson (Abernathy Motorcycle
212 Beacon Bldg. 222 W 17th Sales, Inc.)
Tulsa, Oklahoma 74103 74119
918-584-4187

William A. Storey (Scholfield et al.
STOREY & McCORD dba House of Honda)
P.O. Box 1405
Fayetteville, Arkansas 72701
(501) 521-9630

W. Creekmore Wallace II (Bill Bennett)
P.O. Box 90
Sapulpa, Ok 74066
224-1176

Roland N. Smoot (American Honda)
J. Donald McCarthy
800 Wilshire Blvd.
Los Angeles, CA 90017 213/489-1600
Defendants:

James R. Elder (Harrison Motor-Sports)
201 W. 5th 1924 S. 12+100
Suite 500 Suite 820 749-6692
Tulsa, OK 74103 584-4716

Ray H. Wilburn (Bluff Motorcycle)
603 Beacon Building
Tulsa, Okla. 74103
918-584-6476

John Warner, Esq. (Abernathy Motorcycle
306 West Church St. Sales.)
Union City, TN 38261

Co-Counsel Doyle & Holmes (Bluff)
2003 E 15
Tulsa, OK.

Floyd L. Walker (American Honda Motor
2200 Fourth Natl' Bldg. Co., Inc.)
Tulsa, Oklahoma 74119
584-4136

☐ CHECK
HERE
IF CASE WAS
FILED IN
FORMA
PAUPERIS

FILING FEES PAID

DATE

RECEIPT NUMBER

C.D. NUMBER

STATISTICAL CARDS

CARD DATE MAILED

JS-5 1-1-77

JS-6 8-1-81

DATE	NR.	PROCEEDINGS
1976		
12-15 1977	1.	Complaint, filed. Summons issued.s
1-5-77	2.	Applic. for ext. of time of deft. Bluff to ans., filed. hm
1-5	3.	Order, filed, granting deft. Bluff Motorcycle Service until 1-20-77 to ans. (JCS-Clk)hm (copies mailed)
1-6	4.	Deft. Bill Bennett d/b/a Bill's Cycles application for ext. of time within which to ans. or plead, filed.s <i>OK</i>
1-6	5.	Deft. Abernathy Motorcycle Sales' application for an ext. of time w/in which to plead or ans., filed.s
1-6	6.	Order granting deft. Abernathy Motorcycle Sales, Inc. until 1-21-77 to plead or ans., filed.s (JCS-Clk) cys. mld. by atty.
1-7	7.	Order, filed, allowing Deft. Bill Bennett d/b/a Bill's Cycles until 2-4-77, to answer or plead. (AEB-J)b cps mld
1-11		Summons, ret. & filed: served Bill Bennett, Sapulpa, 12-15-76; James R. Abernathy, Service Agt., Union City, Tenn. 12-20-76; David Alberts, Service Agt., Poplar Bluff, Mo. 12-21-76; Sam Moles, Service Agt., Harrison, Ark. & Chas. W. Atkinson, Service Agt., Fayetteville, Ark. 12-30-76; K. Kawashima, Pres. Amer. Honda Motor Co., Inc. by serving Hirogumi Nakamura, Exec. V-Pres., Gardena, Cal. 1-6-77. (USM \$90.68)g
1-14	8.	Pltf's interrogs. to Bill Bennett d/b/a Bill's Cycles, filed. lm
1-14	9.	Pltf's interrogs. to Harrison Motor-Sports, Inc. d/b/a Harrison Honda, an Ark. Corp., Bluff Motorcycle Service, Inc d/b/a Bluff Honda, a Mo. Corp., and Abernathy Motorcycle Sales, Inc., a Tenn. Corp., filed. lm
1-14	10.	Pltf's interrogs. to American Honda Motor Co., Inc., filed. lm
1-14	11.	Deft. Scholfield, Scholfield and Nelms, Inc.'s motion to quash service and dismiss complaint, filed.
1-14	12.	Deft's memorandum brief in support of motion to quash summons and to dismiss complaint, filed.s
1-14	MO	It is ordered by the Court that the pltf. file a responsive brief to deft's motion to quash summons and to dismiss complaint within ten (10) days.s (AEB-J) cps. mld.
1-19	13	Appl. & Order, filed, granting deft. Harrison Motor-Sports 15 days to plead or answer. (JCS-Clk)k cps by counsel
1-19	14	Stip. between pltf. and American Honda Motor Co., Inc. that said deft. may be granted an ext. of 30 days to file Answer. lm <i>no part of stip</i>
1-20	15.	Deft. Bluff Motorcycle Service's mot. to dismiss, filed.k
1-20	16.	Brief in support of deft. Bluff's mot. to dismiss, filed.k
1-20	17.	Affidavit of Bill Bennett in support of deft. Bluff's mot. to dismiss, filed.k
1-20	18.	Affidavit of Howard Vinson in support of deft. Bluff's mot. to dismiss, filed.k
1-20	19.	Deft. Bluff's motion to transfer to Eastern Dist. of MO, filed.k
1-20	20.	Brief in support of deft. Bluff's mot. to transfer, filed.k
1-20	21.	Deft. Bluff's mot. to strike, filed.k
1-20	22.	Brief in support of deft. Bluff's mot. to strike, filed.k
1-20	MO:	It is ordered by the Court that the pltf. file responsive briefs within 10 days to deft. Bluff's mots. to dismiss, to transfer, and to strike. (AEB-J)k cps mld
1-20	23.	Deft. Abernathy Motorcycle Sales' appl. to plead or answer 2-4-77, fld.k
1-20		Order, as part of stipulation, granting deft. American Honda Motor Co. until 2-19-77 to ans. pltf's compl. and until 2-19-77 to ans. pltf's interrogs., filed.s cps. mld.
1-25	24.	Order, filed, granting. deft. Abernathy til 2-4-77 to plead or answer. (AEB-J)k cps mld

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____
SMOKEY'S OF TULSA, INC.		AMERICAN HONDA MOTOR CO., et al	PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
1981		<u>ADDITIONAL ATTORNEYS</u> Paul H. Johnson HEAD & JOHNSON 228 West 17th Place Tulsa, Oklahoma 74119 Atty for Abernathy Motorcycle Sales, Inc. 584-4187	

CIVIL DOCKET CONTINUATION SHEET

[illegible]

CIVIL DOCKET CONTINUATION SHEET

DAUGHERTY

PLAINTIFF		DEFENDANT	DOCKET NO. 76-C-623-B/D Sheet 2, Page 3 PAGE XXXX OF XXXX PAGES
Smokey's of Tulsa, Inc.		American Honda Motor Co., Inc., et al.	
DATE, 77	NR.	PROCEEDINGS	
1-25	25.	Appl. to delay response to Deft. Scholfield, Scholfield & Nelms, Inc. on mot. to quash service and dismiss compl., fld. by Pltf. ORDER, as part of appl., relieving pltf. of filing a responsive brief to deft. Scholfield et al., until defts. have answered interrogs. Pltf. will have 10 days after answers to interrogs. have been filed to file responsive brief. (AEB-J)v	
1-31	26.	Deft. Harrison Motor-Sports Inc.'s motion to dismiss, filed.s	
1-31	27.	Brf. in support of deft.'s motion to dismiss, filed.s	
2-2	MO	It is ordered by the Court that the Pltf. file a responsive brief to Deft's mot. to dismiss within 10 days.s (AEB-J) cps. mld.	
2-3	28.	Application of Charles S. Holmes to withdraw as atty. of record for deft. Bluff Motorcycle Service, Inc., filed.s 0 to J	
2-4	29.	Deft. Bill Bennett's motion to dismiss, filed.s	
2-4	30.	Brief in support of deft.'s motion to dismiss, filed.s	
2-4	MO	It is ordered by the Court that the pltf. file a responsive brf. to deft. Bill Bennett's mot. to dismiss w/in 10 days from this date.s (AEB-J) cps. mld.	
2-4	31.	Deft. Bill Bennett's answers to interrogs., filed.s	
2-4	32.	Deft. Abernathy Motorcycle Sales Inc.'s mot. to dismiss complaint, filed.s	
2-4	33.	Brief in support of deft. Abernathy Motorcycle Sales Inc.'s mot. to dismiss complaint, filed.s	
2-7	MO	It is ordered by the Court that the Pltf. file a responsive brf. to deft. Abernathy Motorcycle Sales Inc.'s mot. to dismiss within 10 days.s (AEB-J) cps. mld.	
2-7	34.	Entry of appearance of Ray H. Wilburn as atty. for Bluff Motorcycle Service, Inc., filed.s	
2-7	35.	Order, filed, allowing attys. Doyle & Holmes to withdraw as attys. for deft. Bluff Motorcycle Serv., Inc.s (AEB-J) cps. mld.	
2-7	36.	Deft. Harrison Motor Sports, Inc.'s answer to pltf's interrogs, filed.s	
2-8	37.	Pltf's brief in opposition to deft. Bluff's mot. to strike, filed.k	
2-8	38.	Pltf's brief in opposition to deft. Bluff's mots. to dismiss and to transfer, filed.k	
2-8	39.	Aff. of Randy Miller re 12-14-76, filed.k	
2-8	40.	Aff. of Randy Miller re 1-8-77, filed.k	
2-8	41.	Aff. of Bob Poole, filed.k	
2-8	42.	Aff. of Herbert Howard, filed.k	
2-9	43.	Substitution of Ray Wilburn as atty. for Deft. Bluff in place of Charles S. Holmes, filed.k	
2-11	44.	Pltf's response to deft. Harrison Motor Sports, Inc.'s mot. to dismiss, filed.s	
2-11	45.	Affidavit of Pat Smart on behalf of pltf. in re Bennett's interrogs/	
2-11	46.	Affidavit of Pat Smart on behalf of pltf. in re of general manager for Smokey's of Tulsa, Inc., filed.s	
2-18	47.	Affidavit of Pat Smart. fld. ho	
2-18	48.	Pltf's. joint response to briefs of defendants Abernathy and Bennett's motions to dismiss, fld. ho	
2-18	49.	Appl. of Deft. Bluff Motorcycle Service, for 15 addtl. days (3-76-77) to Ans. Int., filed.jj 0 to J	
2-18	50.	Appl. of Doyle & Holmes, attorneys, to be reinstated as attys. of record w/ Ray H. Wilburn as atty for deft. Bluff Motorcycle Service, filed.jj 0 to J	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. 76-C-623- ED Sheet 2, Page 4 PAGE XXXX OF XXXX PAGES
Smokey's of Tulsa, Inc.		American Honda Motor Co., Inc., et al.	
DATE, 77	NR.	PROCEEDINGS	
2-23	51	Pltf. motion to compel ans. to interrog. from deft. harrison motor-sports, Inc. fld ho	
2-23	52	Pltf. brief in supp. of mot. to compel ans. to interrog. from deft. harrison motor-sports, Inc. fld. ho	
2-23	MO	It is ordered by the ct that the deft. (Harrison Motor-Sports, Inc.) file a responsive brief w/in 10 days to pltf's motion to compel answers to interrog. (AEB-J) cps mld ho	
2-23	53	Order fld. allowing entry of the law firm of Doyle & Holmes as Co-counsel of record with atty. Ray H. Wilburn for deft. Bluff Motorcycle Service, Inc.(AEB-J) cps mld ho	
2-23	54	Order fld. Allow. deft. Bluff Moto. Serv. an ext of time until 3-7-77 to file ans. to pltf's interrog. (AEB-J) cps mld ho	
2-24	55.	Response to Pltf.'s Mot.to compel answers to interrogs., fld. by Deft. Honda Motor Sports, Inc., d/b/a Harrison Honda & Kawasaki. v	
2-24	56.	Objection of Harrison Motor Sports, d/b/a Harrison Honda re certain affidavits fld. by Pltf., filed. v	
2-25	57	Agreed appl. for ext of time. fld. original to J. ho	
2-28	58.	Deft. American Honda's notice to take depositions of Pat Smart & Glen E. Miller on 3-21-77, of Samuel Moles on 3-25-77, and of Bill Bennett on 3-24-77, at Tulsa, Oklahoma, filed.k	
2-28	59.	Answer of deft. American Honda, filed.k	
3-1		Order as part of appl. fld. granting Defts' an ext of time until 3-3-77 to file answer. (AEB-J) cps mld. ho	
3-4	60	Appl. of Deft. Bluff Motorcycle Service, Inc. for additional time to answer interrog. fld O to J. ho	
3-7	61	Order, fld. allowing deft. Bluff Motor cycle Service, Inc., until 3-18-77 to file answers to pltf's interrog. (AEB-J) cps mld ho	
3-16	62	Deft. Bluff's answers to pltf's first set of interrogatories, fld.k	
3-21	63	Pltf's motion to compel deft. Bluff to answer certain interrogatories and to assess atty fees, filed.k	
3-21	64	Brief in support of pltf's mot. to compel deft. Bluff to ans. interrogatories, filed.k	
3-21	MO	It is ordered by the Court that the deft. Bluff file a responsive brief within 10 days to pltf's mot. to compel ans. to interrogs. (AEB-J)k cps mld	
3-22	65	Pltf. mot. to compel answers to interrog. fld. ho	
3-22	66	Pltf. brief in supp. of failure to make discovery against Deft. Abernathy. fld. ho	
3-22	MO	It is ordered by the Ct. that the Deft. Abernathy file a responsive brief w/in 10 days to Pltf. mot. to compel answers to interrog. (AEB-J) cps mld. ho	
3-22	67	Deft. American Honda's answers to certain of Pltf. Interrog. fld. ho	
3-22	68	Deft. American Honda's objections to Pltf. interrog. 18(b), 26, 30(a), 35, 36, 54, 58, & 65. fld. ho	
3-23	69	Stipulated Protective Order, fld. (AEB-J) cps mld. ho	
3-25	70.	Deft. American Honda's 1st Set of Interrogs. to Pltf., fld. v	

CIVIL DOCKET CONTINUATION SHEET

DAUGHERTY

PLAINTIFF		DEFENDANT	DOCKET NO. _____
Smokey's of Tulsa, Inc.		American Honda Motor Co., Inc. et al	PAGE _____ OF _____ PAGES
DATE	NR.	PROCEEDINGS	
1977			
3-30	71	Brief in support of Deft. ^{Bluff's} response to Pltf. mot. for order compelling answers to interrog. and assessment of attorney fees. fld. ho	
3-30	72	Response fo Deft. Bluff Honda to Pltf. mot. to compel answers and assess attorney fees. fld. ho	
4-5	73	Deft. Abernathy's answers to pltf's interrogatories, filed.k	
4-7	74.	Pltf's mot. to compel deft. Abernathy to answer certain interroga-tories, filed.k	
4-7	75.	Brief in support of pltf's mot. to compel deft. Abernathy to ans. certain interrogatories, filed.k	
4-7	MO	It is ordered by the Court that the deft. Abernathy file a responsive brief within 10 days to pltf's mot. to compel ans. to interrogatories. (AEB-J)k cps mld	
4-7	76	Appl. of Ray H. Wilburn to withdraw as atty. of record for the Deft. Bluff Motorcycle Service, Inc. & Order. fld. O to J. ho	
4-7		Order as part of appl. fld. granting Ray H. Wilburn to withdraw as Atty. of record for the Deft. Bluff Motorcycle Service, Inc. (AEB-J) cps mld. ho	
4-12	77	Deft. Harrison Motor-Sports, Inc. request for admissions. fld. ho	
4-19	78	Deft. Abernathy Motorcycle Sales, Inc. response to Pltf. mot. to compel answers to interrog. fld. ho	
4-20	79.	Agreed appl. of pltf. & deft. American Honda for 30 days w/in which pltf. may have to answer deft. American Honda's interrogs, filed.k	
4-20	MO	The Court has for consideration the agreed appl. for ext. of time for pltf. to answer interrogs. of deft. American Honda Motor Co., Inc., and being fully advised in the premises, finds that the same should be granted. IT IS, THEREFORE, ORDERED that the agreed appl. for ext. of time for pltf. to ans. interrogs. of deft. American Honda Motor Co., Inc., be and the same is hereby granted and the pltf. is granted 30 days to file said answer to interrogs. (AEB-J)k cps mld	
4-27	80	Pltf. answer to request for admissions. fld. ho	
5-11	MO:	Case referred to Magistrate Robert S. Rizley for Findings and Recommendations on all motions, (AEB-J)jj	
5-18	81	Pltf. ans. to interrog. of Deft. American Honda Motor Co., Inc. fld. ho	
6-2	82	Pltf. attachment to ans. to interrog. No. 53. FLD. ho	
6-14	MO:	Case set for hearing on all pending motions before Mag. R. S. Rizley, on 6-30-77, at 11:15 A.M. (RSR-Mag) b nts mld	
6-17	83	Deft. Harrison Motor-Sports, Inc. mot. for S/J. fld. ho	
6-17	84	Deft. Harrison Motor-Sports, Inc. brief in supp. of mot. for S/J. fld. ho	
6-17	MO	It is ordered by the Ct. that the Pltf. file a responsive brief w/in 10 days to Deft. Harrison Motor-Sports, Inc. mot. for S/J. (AEB-J) cps mld. ho	
6-17	85	Affidavit of Sam Moles, fld. ho	
6-20	MO	Case set for hrg. on deft. Harrison's mot. for S/J in addition to those previously set on 6-30-77 at 11:15 a.m. (RSR-Mag)k ntc by KT	
6-28	86	Pltf. mot. to certify class action. fld. ho re ^{re Amer. Honda.}	
6-28	87	Pltf. brief in supp. of mot. to certify class action. fld. ho	
6-28	MO	It is ordered by the Ct. that the Defts. file responsive briefs w/in 10 days to Pltf. mot. to certify class action. (AEB-J) cps mld. ho	
6-28	88.	Notice of Mot. and Deft. American Honda's Mot. for Summary Judgment, fld. w/affs. and exhibits attached. y	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. 76-C-623-B Sheet 3, Page 6 PAGE XXXXX OF XXXXX PAGES
Smokey's of Tulsa, Inc.		American Honda Motor Co., Inc., et al.	
DATE	NR.	PROCEEDINGS	
6-28	89.	Deft. American Honda's Brief in support of mot. for summary judgment, fld. v	
6-28	90.	Notice of mot. & Deft. American Honda's mot. to strike Class Action allegations, fld. v	
6-28	91.	Deft. American Honda's brief in support of mot. to strike Class Act. allegations, fld. v	
6-28	92.	Certificate of Service in re pldgs. 88-91, fld. v	
6-28	--	Confidential computer printout in manila envelope, fld. w/pldgs. no. 88-91. v	
6-28	MO:	Ordered by the Court that Pltff. is granted 10 days from this date to file their response to the mot. for S/J and the mot. to strike class action allegations fld. by Deft. American Honda. (AEB-J)v -ltr mld.	
6-29	93.	J. P. Smart's Affidavit in Response to Sam Moles, filed. b	
6-30	94	Pltff. ans. brief to Harrison's mot. for S/J. fld. ho	
6-30	Min	Case called for hrg. on pending motions. Parties represented. Pltff. granted 10 days to amend interrogs. to deft. Bluff, and 15 days to amend interrogs. 41 & 44d to deft. Abernathy. Deft. Scholfield, Scholfield and Nelms, Inc.'s mot. to quash service and dismiss compl. confessed by pltff. as good. Deft. Bluff given 10 days to file supplement in support of mot. to dismiss & pltff. 10 days thereafter to respond. Mag. to then prepare F&R. Deft. Bluff given 10 days to file supplement in support of mot. to transfer and pltff. 10 days to respond. Mag. to then prepare F&R. Deft. Abernathy granted 20 days to supplement brief in support of mot. to dismiss. Pltff. granted 10 days to respond. Mag. to prepare F&R on paragraphs I and III of deft. Bluff's mot. to strike portions of pltff's compl. & paragraphs II, IV & V withdrawn. Deft. Harrison's mot. to dismiss, objection to the filing of certain affidavits & mot. for S/J, and deft. Bennett's mot. to dismiss all taken under advisement with F&R to be prepared by Mag. Pltff. given until 8-30-77 to file amended compl. & defts 20 days thereafter to answer. (RSR-Mag)k	
7-8	95.	Amended response of deft. Bluff to pltff's mot. to compel answers and assess atty's fees, filed.k	
7-8	96	Deft., Abernathy Motorcycle Sales, Inc., supplemental brief in supp. of their mot. to dismiss. fld. ho	
7-14	97	Pltff. mot. for additional time to file ans.brief to Hondas mot. for S/J and mot. to strike class action. fld. ho 0 to J.	
7-14	98	Deft. Abernathy, request for ext. of time to ans. Pltff. interrog. 14, 26, 34, 35, 36 & 44(d). fld. ho 0 to J.	
7-15	MO	The Ct. has for consideration the request for ext. of time of the Deft., Abernathy, to serve ans. to Pltffs. interrog. 14, 26, 34, 36, and 44 (d) until the 1st day of august, 1977, and being fully advised in the premises, finds that said request should be granted. IT IS SO ORDERED. (AEB-J) cps mld. ho	
7-15	MO	The Ct. has for consideration the appl. of Pltff. for an ext. of 20 days to ans. Deft. American Honda Motor Co., Inc. mot. for S/J and mot. to strike class action, and being fully advised in the premises, finds that said appl. should be granted. IT IS SO ORDERED. (AEB-J) cps mld. ho	
7-18	99.	Deft. Harrison Motor Sports,d/b/a Harrison Honda's Brief in support of objections to affidavits, filed. b	
7-25	100	Deft. Abernathy Motorcycle Sales, Inc. supplemental ans. Pltff. interrog. fld. ho	
7-26	101	Stipulation that deft. Amer. Honda respond to pltff's mot 20 days after service of Pltff's amended compl., filed.k	
7-27	MO	The Court has for consideration the Stipulation on file between pltff. & Deft. Amer. & being fully advised in the premises, finds that IT IS ORDERED that deft. American Honda have 20 days to respond to pltff's mot. to certify class action after it has been served with pltff's amended complaint. (AEB-J)k cps mld	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____
			PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
1977			
7-27	102	Deft. American Hondas mot. for a protective order concerning the conduct of the class action count. fld. ho	
7-27	103	Deft. American Honda brief in supp. of mot. for protective order. fld ho	
7-27	104	Deft. Amer. Honda certificate of service of mot. & brief. fld. ho	
7-28	MO	It is ordered by the Ct. that the Pltf. file a responsive brief w/in 10 days to Deft. American Honda mot. for protective order concerning the conduct of the class action count. (AEB-J) cps mld. ho	
8-1	105	Deft. Amer. Honda suppl. brief in supp. of their mot. for protective order. fld. ho	
8-9	106	Pltf. reply to Deft. Amer. Honda brief in supp. of mot. to strike class action allegations. fld. ho	
8-10	107	Stipulation of parties that the Pltf. may have until 8-15-77 to respond to all of Deft. Amer. Honda Motor Co., Inc. mots. now pending. fld. ho O to J.	
8-10	--	Order, filed as part of stipl, that pltf. have until 8-15-77 to resp. to all pending motions and briefs of deft. American Honda Motor Co. (AEB-J)ph cps mld	
8-11	108	Pltf. response to suppl. brief in support of deft. Abernathy's mo/ dismiss, filed. rm	
8-11	109	Pltf. response to Harrison's brief in support of obj. to affidavits, filed. rm	
8-11	110	Pltf. response to Deft. Amer. Honda. mot. for a protective order, fld. ho w/affid. of Milton E. Satterlee, Glen E. Miller, Gerald Daniels, Gough Jandebuer, Ken W. Cole, Howard E. Frederic, Billy D. Cavin & Yoshio Yoshizu.	
8-11	111	Pltf. affid. of Pat Smart. fld. ho	
8-15	112.	Pltf's Brief in response to Deft. American Honda's Motion for summary judgment, filed.	
8-15	113.	Affidavit of Lawrence A. Johnson, filed. b	
8-17	MO	Case set for hrg. on deft. American Honda's mot. for protective order concerning conduct of class action count before Mag. Rizley on 9-1-77 at 2:00 p.m. (RSR-Mag)k ntc by KT	
8-22	114	Affidavit of Tak Nakamura in support of pltf's motion to certify class action, fld. ra	
8-23	115	Affidavit of Maurice Glendon Appleton in opposition to American Honda's Motion for S/J, fld. ra	
8-23	116	Affidavit of John Lemme in opposition to American Honda's motion for S/J, fld. ra	
8-30	117	Pltf. first amended compl. fld. with <u>DEMAND FOR JURY TRIAL</u> . ho	
8-31	118	Pltf. affid. of D. B. Jandebuer, in opposition to Defts. American Hondas mot. for S/J. fld. ho	
9-1	Min	Case called for hrg. on deft. Amer. Honda's mot. for protective order concerning conduct of class action count. Parties represented. Mag. recommends mot. be sustained in part & overruled in part. Deft. counsel directed to submit F&R w/in 2 weeks. (RSR-Mag)k	
9-7	119	Deft. Harrison's reassertion of mots. to dismiss and for S/J., filed, directed toward pltf's first amended compl.k Further hrg. 11-10-77.	
9-12	120	Deft. Bill Bennett reassertion of mot. to dismiss. fld. ho	
9-12	121	Deft. Amer. Honda's mot. to strike pltf's brief in response to deft. Amer. Honda's mot. for S/J and brief in support. k	
9-12	122	Affidavit of Thomas B. Anderson, filed.k	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____
			PAGE ____ OF ____ PAGES
DATE 1977	NR.	PROCEEDINGS	
9-12	MO	It is ordered by the Court that the pltf. file a responsive brief w/in 10 days to deft. Amer. Honda's mot. to strike pltf's brief in response to deft. Amer. Honda's mot. for S/J. (AEB-J)k cps mld	
9-12	123	Deft. Abernathy resubmission and reassertion of its mot. to dismiss. fld. ho	
9-19	124	Deft. Bluff's reassertion of mots. to dismiss, to transfer & to strike, filed, and directed to pltf's first amended compl.k	
9-19	125	Deft. American Honda ans. to first amended compl. fld. ho	
9-19	126	Deft. American Honda certificate of service. fld. ho	
9-20	127	Pltf. response to Hondas mot. to strike pleading containing confidential information. fld. ho	
9-20	128	Deft. American Hondas second set of interrog. to Pltf. fld. ho	
9-20	129	Deft. American Honda's first request for the production of documents. fld. ho	
9-20	130	Deft. American Honda not. to take depo. of Tak Nakamura c/o Tsujimoto Co. of USA, in Calif. on 9-29-77. fld. ho	
9-20	131	Deft. American Honda not. to take depo. of M. Nakamura c/o Tsujimoto Co. of USA, in Calif. on 9-29-77. fld. ho	
9-27	132	Deft. American Hondas amended first request for the production of documents. fld. ho	
9-27	133	Deft. American Honda notice to take depo. of Pat Smart & Glen E. (Smokey)Miller on 11-3-77 in Tulsa. fld. ho	
9-27	134	Deft. American Honda notice to take depo. of Tak Nakamura c/o Tsujimoto Co. of USA on 10-25-77 in Los Angeles, CA. fld. ho	
9-27	135	Deft. American Honda notice to take depo. of M. Nakamura c/o Tsujimoto Co. of USA, on 10-25-77 in Los Angeles, CA. fld. ho	
9-29	136	Protective Order concerning the conduct of the class action count. fld. (AEB-J) cps mld. ho	
9-29	137	Joint appl. for continuance & ext. of class action hrg. before Mag. fld. ho 0 to J. <i>as part of Appl.</i>	
10-3	138	Pltf. first request for production of documents. fld. ho	
10-4	--	Transcript of Motion hearing before Mag. Rizley on 9-1-77, filed. Linda Walker, L.S.R.k	
10-7	139	Pltf's first request for production of documents to deft. Abernathy, filed.k	
10-7	140	Pltf's first request for production of documents to deft. Harrison, filed.k	
10-12		Order as part of appl., fld. granting a continuance ot the Hrg. on the class-action issue, Hrg. is continued to 12-20-77 and further Deft. American Honda shall be required to file its brief on the class action issue 10 days before said Hrg. IT IS SO ORDERED. (AEB-J) cps mld. ho	
10-12	141	Pltf. not. to take depo. of John Lemme in CA. on 10-26-77. fld. ho	
10-19	142	Pltf. ans. to Deft. American Honda second set of interrog. fld. ho	
10-20	143	Deft. American Honda's response to pltf's first req. for production of documents, filed. g	
10-21	144	Deft. Amer. Honda's notice to take deposition of Randy Miller on 11-3-77 at Tulsa, OK, filed.k	
11-14	145	Pltf. first request for production of documents, fld. ho	

CIVIL DOCKET CONTINUATION SHEET

DAUGHERTY

PLAINTIFF		DEFENDANT	DOCKET NO. _____
			PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
11-15	146	Deft. Bluff mot. for protective order, fld. ho	
11-15	147	Deft. Bluff brief in supp. of mot. for protective order, fld. ho	
11-15	MO	It is ordered that the Pltf. is granted 10 days to file a responsive brief to Deft. Bluff mot. for protective order. (AEB-J) cps mld ho	
11-16	148	Pltf. first request for the production of documents. fld. ho	
11-16	149	Deft. American Honda not. of depo. of Pat Smart, Glen E. (Smokey) Miller & Randy Miller on 11-22-77 in Tulsa. fld. ho	
11-21	150	Pltfs. brief in opposition to Bluff Hondas mot. for protective order fld. ho	
11-22	151	Deft. Bill Bennett response to Pltfs. first request for production of documents. fld. ho	
11-29	152	Pltfs. supplemental ans. to interrog. fld. ho	
12-5	MO	Hrg. on pltf's mot. to certify class action against deft. Amer. Honda & deft. Amer. Honda's mot. to strike class action allegations set before the Mag. on 12-20-77 at 9:30 a.m. is passed to 1-19-78 at 9:30 a.m. in order for additional discovery to be completed. (RSR-Mag)k ntc by KT	
12-6	153	Affid. of J. P. Smart in supp. of class action. fld. ho	
12-6	154	Pltf. supplemental brief in supp. of mot. to certify class action. fld. ho	
12-6	155	Pltf. mot. to compel inspection of documents of Bennett. fld. ho	
12-6	156	Pltf. brief in supp. of mot. to compel inspection of documents of Bennett. fld. ho	
12-6	MO	It is ordered that the Deft. Bennett is granted 10 days to file a responsive brief to Pltf. mot. to compel inspection of documents of Bennett. (AEB-J) ho cps mld.	
12-7	157	Deft. Bluff first amendment to mot. for protective order, fld. ho	
12-09	158.	Pltf.'s suppl. brief in opposition to Honda's mot. for summary judgment, fld. v	
12-14	159	Pltf. second supplemental brief in opposition to Hondas mot. for S/J. fld. ho	
12-20	160	Deft. American Honda not. of depo. of M. Nakamura c/o Tsujimoto Co. of USA in Los Angeles, CA on 12-19-77. fld. ho	
12-20	161	Deft. Bennett amendment to response to Pltfs. first request for production of documents & mot. for protective order. fld. ho	
12-20	162	Deft. Bennett memorandum brief in supp. of amendment to response to Pltfs. first request for production of documents & mot. for protective order. fld. ho	
12-20	163	Deft. Bennett amended mot. to dismiss. fld. ho	
12-20	164	Deft. Bennett brief in supp. of amended mot. to dismiss. fld. ho	
12-21	MO	It is ordered that the Pltf. is granted 10 days to file a responsive brief to Deft. Bennett 1) Mot. for protective order & 2) Amended mot. to dismiss. (AEB-J) cps mld. ho	
12-22	165.	Deft. American Honda's reassertion of mot. for S/J & mot. to strike class action allegations, filed, as to Cts. 1, 3, 4, 6, 7 & 8 of 1st amended compl. & Ct. 2 respectively.k	
1978			
1-4	166.	Pltf's response to deft. Bennett's amended mot. to dismiss, filed.k	
1-4	167.	Pltf's response to deft. Bennett's amendment to response to pltf's first request for production of documents, filed.k	
1-5	168	Certificate of service of notice letter by W. Creekmore Wallace, II fld. ho	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____
			PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
1-9	MO	Case set for hrg. before the Mag. on pending mots. on 1-19-78 at 9:30 a.m. (RSR-Mag)k	
1-11		Depos. of Glen E. Miller taken on 3-25-77; Joseph Patrick Smart taken on March 21 through 25, 1977; Randall R. Miller taken on 11-22-77; on behalf of Deft. American Honda, & Randall R. Miller taken on 11-22-77 & Joseph Patrick Smart taken on 11-22-77 both on behalf of Defts. American Honda & Honda Motor Co. all taken before Loyd J. Christesson, CSR. fld. ho	
1-11		Depo. of Glen E. Miller taken on 11-23-77 before Loyd J. Christesson CSR. fld. ho	
1-11	169	Deft. American Honda's brief in opposition to mot. to certify class action, filed.k	
1-11	170	Affidavits of Robt. S. Nakamura & Yoshio Masuda in opposition to class action motion, filed.k	
1-13	171	Depo. of John Lemme, fld. ho	
1-13	172	Pltfs. affid. of Pat Smart in opposition to affids. of Robert Nakamura & Yoshio Masuda. fld. ho	
1-16		Depo. of Mutsumi Nakamura, with exhibits to vol. 1. fld. ho 2 envelopes.	
1-17	173.	Affidavit of Betty Abernathy Taylor in opposition to Honda's motion for S/J and Bennett & Abernathy's mot. to dismiss, filed.k	
1-17	174.	Aff. of Jimmy Spence in Opposition to Honda's Mot. for Summary Judgment and Bennett and Abernathy's Mot. to Dismiss, fld. v	
1-18	175	Pltf's response to Honda's brief in opposition to mot. to certify class action, filed.k	
1-19	Min	Case called for hrg. on pending mots. before Mag. Parties represented. Pltf's mot. to certify class action against deft. Amer. Honda taken under advisement. Deft. Amer. Honda granted leave to file suppl. briefs & affidavits w/in 15 days. Deft. Amer. Honda's mot. to strike class action allegations taken under advisement. Mots. to dismiss of defts. Harrison, Abernathy, Bennett & Bluff taken under advisement. Hrg. on pltf's mot. to compel inspection of documents of defts. Bennett & Bluff Honda passed to 2-6-78. (RSR-Mag)k	
1-20	176	Affidavit of J. P. Smart, filed.ho	
1-25	177	Deft. Bennett's notice of taking deposition of Jeff Rosser on 1-31-78 at Sapulpa, OK, filed.k	
1-25	--	Deposition subpoena duces tecum to Jeff Rosser, issued.k	
1-26	--	Return on service of deposition subpoena duces tecum, filed. Jeff Rosser served by William Drapala on 1-26-78 at Tulsa, OK.k	
1-27	178	Deft. Amer. Honda's supplemental brief on class action question, fld.k	
2-6	MO	Continued hrg. before Mag. on pltf's mot. to compel inspection of documents of defts. Bennett & Bluff Honda is stricken upon advice of pltf. counsel that said motions have been mutually disposed of and the matter is now moot. (RSR-Mag)k ntc by pltf. counsel	
2-8	178	Deft. Harrison interrog. to Pltf. fld. ho	
2-9	179	Affid. of Russell Abernathy, fld. ho	
2-9	180	Deft. Abernathy affid. of Russell Abernathy & brief in supp. of renewed mot. to dismiss for lack of venue. fld. ho	
3-3		Reporters transcript of mots. hrg. had on 1-19-78 before Mag. Rizley fld. (Linda Walker, LSR)ho 53 pages.	
3-20	181	Affidavit of Howard Vinson, filed by pltf.k	

CIVIL DOCKET CONTINUATION SHEET

DAUGHERTY

PLAINTIFF

DEFENDANT

Smokeys of Tulsa, Inc.

American Honda Motor Co. Inc.,
et al

DOCKET NO. _____

PAGE ____ OF ____ PAGES

1978

NR.

PROCEEDINGS

3-28

182

Pltf. ans. to interrog. of Deft. Harrison Honda, fld. ho

3-29

183

Pltf's request for Rule 41 dismissal w/out prejudice as to Bluff, fld. k

3-29

184

Pltf's notice of dismissal as to deft. Bluff w/out prejudice, filed and entered. k

3-29

185

Deft. Amer. Honda's first set of interrogs. to deft. Bluff, fld. k

3-30

186

Deft. Harrison mot. for order compelling Discovery, fld. ho

3-30

187

Deft. Harrison's brief in supp. of mot. for order compelling discovery, fld. ho

3-30

MO

It is ordered that the Pltf. is granted 10 days to file a responsive brief to Deft. Harrison's mot. for order compelling discovery. (AEB-J) ho c/m

4-13

188

Joint appl. for an order separating Count II from the other counts herein for purposes of Discovery & trial, fld. ho 0 as part of appl. to J.

4-17

189

Pltfs. reply brief to Harrison mot. to compel discovery, fld. ho

6-8

MO

Case set for hrg. before the Mag. on deft. Harrison's mot. to compel and for decision on all pending mots. on 6-19-78 at 1:30 p.m. (RSR-Mag)k ntc by KT

6-8

190

Deft. American Honda not. to take depo. of Pat Smart, Glen E. Miller, & any officer or employees, on 6-13-78 in Tulsa, OK, fld. ho s/i

6-14

191

Pltf. affid. of Phillip Washburn, fld. ho

6-15

--

Ret. of USM servece of sub. & not., fld. served Pat Smart on 6-12-78 in Tulsa, OK; Glen E. Miller on 6-12-78 in Tulsa, OK. (USM \$11.68)ho

6-19

Min

Case called for hrg. before the Mag. on deft. Harrison's mot. to compel & for decision on all pending mots. Parties represented. Mag. recommends that pltf's mot. to certify class action against deft. Amer. Honda, deft. Harrison's mot. to dismiss/S/J, deft. Abernathy's mot. to dismiss & deft. Bennett's mot. to dismiss be overruled, that deft. Amer. Honda's mot. to strike class action allegations be sustained, and deft. Amer. Honda's mot. for S/J be passed pending further discovery. Deft. Harrison's mot. to compel passed to 7-17-78 on request of all parties. Counsel for Amer. Honda to prepare F&R on pltf's mot. to certify class action & deft's mot. to strike, w/in 10 days. Pltf. counsel to prepare F&R on all mots. to dismiss w/in 10 days. (RSR-Mag)k

6-27

MO

Case set for hrg. before the Mag. on deft's Harrison's mot. to compel on 7-17-78 at 4:30 p.m. (RSR-Mag)k ntc by KT

7-7

--

Reporters transcript of motion hrg. on 6-19-78 before Mag. Rizley Linda Walker, CSR, 9pgs. fld. ho

7-7

192.

Deft. Abernathy Motorcycle's objection to proposed Mag. recommended Findings & Conclusions, filed. b

7-11

193

Deft. American Honda not. of depo. of Jimmy Spence & Betty Abernathy Taylor on 8-3-78 in Paducah, KY, fld. ho

7-11

194

Deft. American Honda not. of depo. of Howard E. Vinson on 8-2-78 in Poplar Bluff, MO, fld. ho

7-14

195

Deft. Bill Bennett objection to proposed Mag. recommended F/F & C/L, fld. ho

7-17

196

Deft. American Honda objection to Proposed Mag. recommended F/F & C/L, fld. ho

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. _____
		PAGE ____ OF ____ PAGES

DATE 1978	NR.	PROCEEDINGS
7-17	MO	By agreement of the parties, hearing on deft. Harrison's motion to compel is passed to 8-7-78. (RSR-Mag) b
6-20	MO::	Case set for hearing on deft. Harrison's motion to compel & on deft. American Honda's objection to the proposed Mag. Recommended Findings of fact & Conclusions of law filed by Pltf., on 8-7-78, at 3:30 P.M. (RSR-Mag) b nts by KT
7-25	197	Deft. Harrison objection to proposed Mag. F/R, fld. ho
8-7	Min.	Case called for hearing Deft. Harrison's motion to compel & Deft American Honda's objection to proposed F&R of Mag by pltf. Parties present. Deft. Harrison's motion is recommended sustained in part & overruled in part. Mag. to prepare order. Deft. American Honda's objections to proposed Mag's recommended Findings of Fact & Conclusions of law is sustained. Deft. American Honda to complete discovery in support of its motion for S/J., and file supplemental brief in support of its motion for S/J on or before Nov. 15, 1978. (RSR-Mag) b
8-28	--	Continuation of the deposition of Joseph Pat Smart, taken on behalf of deft. Amer. Honda, before Loyd J. Christesson, CSR, on 6-13-78 and 6-14-78, filed.k
8-28	--	Continuation of the deposition of Glen E. Miller, taken on behalf of deft. Amer. Honda, before Loyd J. Christesson, CSR, on 6-14-78, fld.k
8-31		Deposition of Howard E. Vinson, taken before Leonard W. Ehlers, CSR, filed. g
9-21	--	Reporters transcript of proceedings had on 8-7-78 before Mag. Rizley, by Ann Hart, LSR, fld. ho 9 pgs.
10-2	--	Depo. of Jemes Thomas Spence & Betty Jo Taylor taken on behalf of Deft. American Honda Motor Co. on 8-3-78 in Paducah, Kentucky. fld. ho
10-24	198.	Findings & Recommendations of the Mag. regarding 6-19-78 hrg., filed. Mag. recommends that deft. Harrison Honda's mots. for S/J and to dismiss be overruled, that the mots. to dismiss of deft. Abernathy and Bennett be overruled, that pltf's mot. to certify ct. 2 of 1st amended compl. as a class action be denied, and that deft. American Honda's mot. to strike class action allegations be sustained. (RSR-Mag)k cps
11-1	199	Pltf. objections to F/R of Mag. & request for separate docketing &/or certification under Rule 54(b), w/brief, fld. ho
11-1	MO	It is ordered that the Defts. file a responsive brief on or before 11-14-78 to Pltf. obj. to F/R of Mag. & request for request for separate docketing &/or certification under Rule 54(b). (AEB-J)ho c/m
11-8	200	Deft. Harrison Motor Sports, Inc. ans. to first amended compl. fld. ho
11-13	201	Pltf's second interrogs. propounded to deft. Amer. Honda, filed.k
11-13	202	Deft. Bennett's response to pltf's objections to F&R of the Mag., filed.k
11-15	203	Pltf. mot. for continuance of discovery, fld. ho
11-15	204	Deft. American Honda's brief in resp. to pltf's obj. to F&R of Mag. & req. for separate docketing and/or certification under R. 54(b), fld.ra

CIVIL DOCKET CONTINUATION SHEET

DAUGHERTY

PLAINTIFF	DEFENDANT	DOCKET NO. <u>76-C-623</u>
Smokey's of Tulsa, Inc.	American Honda Motor Co., et al	PAGE <u>13</u> OF <u>7</u> PAGES

DATE 1978	NR.	PROCEEDINGS
11-17	205	Order, filed, that discovery should be completed herein by pltf. or or before 1-15-79 as regards issues between pltf. & deft. Amer. Honda. (AEB-J)k cps mld to movant
12-12	206	Deft. American Honda responses to Pltfs. second interrog. fld. ho
12-12	207	Deft. American Honda mot. for a protective order concerning certain of Pltfs. second interrog. fld. ho
12-12	208	Deft. American Honda brief in supp. of mot. for protective order re: certain of Pltf. second interrog. fld. ho
12-13	MO	It is ordered that the Pltf. file a responsive brief on or before 12-26-78 to Deft. American Honda mot. for a protective order concerning certain of Pltf. second interrog. (AEB-J)ho c/m
12-19	209	Stipulation of agreed facts, between Pltf. & Deft. American Honda, fld. ho
12-27	210	Pltf's mot. for Order directing deft. Bennett & deft. Amer. Honda to answer interros. or to produce documents for inspection & copying, filed.k
12-27	211	Pltf's combined brief in support of mot. to compel, & in response to deft. Amer. Honda's mot. for protective order, filed.k
12-27	MO	Defts. Bennett & Amer. Honda are granted until 1-8-79 to respond to pltf's mot. to compel. (AEB-J)k cps mld
12-27	212	Order, filed, that the joint appl. for an Order separating Ct. II from other counts for purposes of discovery & trial filed 4-13-78 is denied & overruled. (AEB-J)k cps mld
<u>1979</u>		
1-8	213	Deft. American Honda brief in opposition to mot. for order directing Bill Bennett & Honda to ans. interrog. or to produce documents for inspection & copying, fld. ho w/affid. of Wallace
1-10	214	Deft. Bill Bennett objection to mot. for discovery, /fld. ho
1-10	215	Deft. Bennett brief in supp. of obj. to discovery, fld. ho
1-12	216	Deft. American Honda supplemental brief in supp. of its mot. for S/J, w/exhibit 181, record of proceedings before OK Motor Vehicle Comm. re: Smokeys v. American Honda & exh. 182 record of proceedings before Judge Armstrong Dist. Ct. for Tulsa County, OK Motor Vehicle Comm v. Bennett, 2 brown envelopes. fld. ho
1-26	MO	Case set for hrg. before the Mag. on deft. Harrison's mot. to compel, deft. Amer. Honda's mot. for protective order & pltf's mot. to compel on 2-8-79 at 2:00 p.m. (RSR-Mag)k ntc by KT
2-8	Min	Case called for hrg. before the Mag. on deft. Harrison's mot. to compel, deft. Amer. Honda's mot. for protective order & pltf's mot. to compel. Pltf, Bennett, Am Honda & Harrison rep. Deft. Harrison to resubmit interros. to pltf. w/in 10 days. Pltf. to answer or state grounds for obj. on each interrog. w/in 10 days thereafter. Deft. Amer. Honda's mot. for protective order re pltf's 2nd interros. sustained & overruled in parts. Deft. Bennett to provide pltf. w/ up-dated list of all persons to whom Honda bikes have been sold. Amer. Honda to provide Polk reports for pltf's inspection inspection at Amer. Honda HQ in Gardena, CA. In re pltf's mot. to compel: Amer. Honda to provide suppl. aff. of Yoshizu answering question re sums pd. in cash to dealers being in response to request by a dealer to be

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>76-C-623</u>
Smokey's of Tulsa, Inc.		Amer. Honda, et al	PAGE <u>14</u> OF <u>7</u> PAGES
DATE	NR.	PROCEEDINGS	
1979			
2-8	Min	paid in cash for his credit balance and also affidavit to provide info. re Sum-	
Continued		mer Savings Program. Counsel for Amer Honda to prepare formal Order w/in 10 days.	
		(RSR-Mag)k	
2-9	217	Deft. Harrison's resubmission of interrogs. to pltf., filed.k	
2-20	218	Deft. American Honda submission pursuant to the hrg. of 2-8-79 w/affid.	
		of Yoshio Yoshizu & Robert S. Nakamura, fld. ho	
3-2	219	Pltf. ans. to interrog. of Deft. Harrison Honda, fld. ho	
3-16-79	MO:	Case transferred to Judge Fred Daugherty (JCS-Clk)	
3-21	220	Deft. Bennett's answer to interrogs and mot. to produce, fld. g	
3-26	221	Deft. Harrison mot. for S/J, re: first amended compl. fld. ho	
3-26	222	Deft. Harrison brief in supp. of mot. for S/J, fld. ho	
3-26	MO	Pltf. is ordered to file a responsive brief by 4-10-79 to Deft.	
		Harrison mot. for S/J. (FD-J)ho c/m	
4-9	223	Pltf. response to Deft. American Honda affids. of Yoshio Yoshizu &	
		Robert S. Nakamura, fld. ho	
4-12	224	Pltf. appl. for ext. of time to file responsive brief, fld. ho	
4-12	MO	IT IS ORDERED that the Pltf. is granted an ext. of time until	
		4-25-79 to file responsive brief to Deft. Harrison Mot. for S/J.	
		(FD-J)ho c/m to movant.	
4-25	225	Pltfs. response to Deft. Harrisons mot. for S/J, fld. ho	
4-30	--	Reporter's transcript of proceedings had on 2-8-79 before the Mag.,	
		filed. PP 1-38 (Ann Hart-CSR)k	
5-8	226	NOTICE, of Deft. American Honda of taking depos. of J. P. Smart,	
		Glen E. (Smokey) Miller & Roy T. Savoian on 5-22-79 in Tulsa,	
		OK. ho	
5-9	227	AFFID. of Glen E. Miller. ho	
5-10		USM SERVICE of sub: served Roy T. Savoian 5-10-79. (\$4.44)g	
5-14	228	RESPONSE by Deft. American Honda to Pltfs. requests for the pro-	
		duction of documents contained in Pltfs. response to Deft.	
		American Honda affids. of Yoshio Yoshizu & Robert S. Nakamura. ho	
6-8	MO:	HEARING on all pending motions set before Magistrate for Tues.,	
		6/19/79 at 9:30 a.m. (RSR-Mag)rm-notice by KT	
6-13	--	DEPO. of Joseph Pat Smart taken on behalf of Deft. American Honda on	
		5-23-79 in Tulsa, OK before Loyd J. Christesson, CSR. w/fees	
		of \$145.50 pd. by Deft. ho	
6-13	--	DEPO. of Roy T. Savoian taken on behalf of Deft. American Honda on	
		5-22-79 in Tulsa, OK before Loyd J. Christesson, CSR w/fees of	
		\$301.50 pd. by Deft. ho	
6-14	MO	ORDER, upon request of Pltf. hrg. on pending mots. set before the	
		Mag. on 6-19-79 at 9:30 a.m. is stricken. (RSR-Mag)ho ntc. by KT	
7-19	MO	HRG. on all pending motions set before Magistrate for Thurs., 7/26/79	
		at 1:30 p.m. (RSR-Mag)rm-notice by kt	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT		DOCKET NO. <u>76-C-623-1</u>
Smokey's of Tulsa, Inc.		American Honda		PAGE <u>15</u> OF <u> </u> PAGES
DATE	NR.	PROCEEDINGS		
<u>1979</u> <u>7-26</u>	Min:	HRG. before Magistrate on all pending motions. Deft. Scholfield's mo/quash & dismiss confessed by pltf. & order submitted to ct. for approval; pltf. mo/compel Harrison to ans. interrog., mo/compel Abernathy to ans. interrog., American Honda's mo/strike pltf. brief in resp. to said deft. mo/SJ, deft. Harrison's mo/compel pltf. to ans. certain interrog & pltf. mo/order directing Bennett & American Honda to ans. interrog. or produce documents - <u>all moot</u> . Parties requested deft. Harrison's obj. to filing of certain affidavits by pltf. be <u>stayed until pretrial</u> . Deft. American Honda's mo/protective order re certain pltf. 2nd interrog. - <u>sustained</u> . Floyd Walker to prepare Order in 10 days. American Honda's mo/SJ & Honda's reassertion of mo/SJ as to Cts. 1,3,4,6,7 & 8 of 1st amended complaint, and deft. Harrison's mo/SJ - <u>all taken under advisement</u> . All other motions previously ruled on in F&R filed 10/24/79. (RSR-Mag)rm		
7-30	229	ORDER, entered, on mot. of Pltf. the cause is hereby dismissed w/ prejudice as to the separate Deft. Scholfield, Scholfield, & Nelms, Inc., d/b/a House of Honda. (FD-J)ho c/m		
8-3	230	PROTECTIVE ORDER, concerning certain of Pltfs. second interrog. (RSR-Mag)ho c/m		
8-23	231	MOTION of Pltf. for protective order. ho		
8-23	232	BRIEF, of Pltf. in supp. of mot. for protective order. ho American Honda Motor Co., Inc.		
8-23	MO	ORDER, Deft./ is ordered to file a responsive brief by 9-7-79 to Pltfs. mot. for protective order. (FD-J)ho c/m		
8-28	MO	MAG. RECOMMENDS that the Deft. American Honda mot. for S/J be sustained & Donald McCarthy is directed to prepare proposed F/R of Mag. w/in 10 days. Further recommended that Deft. Harrison mot. for S/J be overruled & Lawrence A. Johnson is directed to prepare proposed F/R of Mag. w/in 10 days. (RSR-Mag)ho ntc. by kt		
8-30	--	REPORTERS TRANSCRIPT of proceedings had on 7-26-79, Hrg. on all pending mots., before Mag. Rizley, (Ann Hart, CSR)ho 67 pgs.		
8-31	233	BRIEF of American Honda in opposition to Smokey mo/prot. order. rm		
11-2	234	FINDINGS & RECS OF Magistrate. (RSR-Mag)g c/m		
11-9	MO:	CASE TRANSFERRED TO JUDGE JAMES O. ELLISON. (JCS-CLK)jc		
11-9	235	APPLICATION for ext. until 12-3-79 O to be in. cs <u>out</u>		
11-19	236	ORDER granting ext. until 12-3-79 for Deft. to file objections. (JOE-J) cs cps/mov. Harrison Motor court.		

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF SMOKEY'S OF TULSA, INC.	DEFENDANT AMERICAN HONDA MOTOR CO., et al	DOCKET NO. 76-C-623 PAGE 16 OF 8 PAGES
--------------------------------------	---	---

DATE 1979	NR.	PROCEEDINGS
--------------	-----	-------------

11-30	237	OBJECTIONS of deft. Harrison Motor-Sports to F&R of the Mag.k
11-30	238	BRIEF in support of deft. Harrison's objs. to Mag's F&R.k
11-30	MO	PLTF. is ordered to file a response by 12-13-79 to deft. Harrison's objs. to F&R of the Mag. (JOE-J)k cps mld
12-14	239	PLTFS. response to defendant Harrison's brief.cs
1980		
1-9	240	AFFIDAVIT of Bill Bennett, individually & d/b/a Bill's Cycles.k
1-11	241	CERTIFICATE of mailing re:above affidavit.ra

2-29	242	MOTION of deft American Honda to consolidate Ct II of 76-C-623 with the 79-C-123 case for discovery & trial AND to continue pre- trial hrg in '123 case.ra
2-29	243	BRIEF in support of deft American Honda's mot/consolidate.ra
3-3	MO:	ORDERED that pltf file a response (in both cases) on or before 3-16-80 to deft American Honda's mot/consolidate Ct II of 76-C-623 with 79-C-123 for discovery and trial.(JOE-J)ra c/m;same MO entered in 79-C-123
3-3	---	COPY of "Pltf's PT Memo" (orig fld in 79-C-123 on 2-29), <u>including</u> <u>ptf's resp to mot/consolidate.ra</u>
3-5	244	RESPONSE of pltf. to affidavit of Bill Bennett fld. 1-9-80.k
3-14	245	COPY OF ORDER consolidating 79-C-123 w/ instant case, w/out prej. to either Smokey's or Amer. Honda's right to urge bifurcation as the Court might approve. (TRB-J)k cps mld
4-28	246	79-C-123 STIPULATION extending time for deft. Amer. Honda to re- spond to pltf's req. for prod. of documents.k (O)as part of stip
4-29	--	ORDER, approving Stipulation that deft Am. Honda have to 5-1-80 to respond to pltf's req. for prod. of documents.(JOE-J)b c/mov
5-5	247	79-C-123 RESPONSE of deft. Amer. Honda to pltf's req/prod/docs.k
9-11	MO:	STATUS HRG. set 11-3-80, 9:30 A.M.(JOE-J)b n/m
11-3	Min:	STATUS HRG. HELD. Argument heard on question of class action. Ct. will enter ruling after further review.(JOE-J)b

PLAINTIFF		DEFENDANT	DOCKET NO. _____
SMOKEY'S OF TULSA, INC.		AMERICAN HONDA MOTOR CO., et. al.	PAGE 17 OF 9 PAGES
DATE	NR.	PROCEEDINGS	
1981			
2-9	248	ORDER adopting all previous F&R of Mag. w/exception of Deft. American Honda's mot. for sj w/re to counts I & III thru VIII which is remanded to Mag. for reconsideration. (JOE-J) pt cps/mld	
2-10	MO:	It is Ordered by the Court that the Order entered 2-9-81 is hereby w/drawn & a new Order is forthcoming. (JOE-J) b n/m	
3-20	249	ORDER affirming F&R & <u>overruling</u> Abernathy's mo/dismiss, Bennet's mo/dismiss, Harrison's mo/dismiss & motion for S/J, SUSTAINING American Honda's motion for S/J & <u>overruling</u> mo/class action certification & for certification under R. 54(b) & <u>sustaining</u> American Honda's mo/strike the class action allegations. (JOE-J) hm	
4-1	250	ANSWERS of deft Bill Bennett d/b/a Bill's Cycles; to 1st amended compl. and cross-petition.nd	
4-3	251	ANSWER of deft., Abernathy Motorcycle Sales, Inc. bs	
5-8	252	APPLICATION for joint dismissal. (O) nd	
5-13	MO	PT HRG. SET 7-2-81 at 9:00 a.m.; disc. to be comp by 6-22; PT memo or order due 6-26. (JOE-J) hm (n/m)	
5-14	253	ORDER entered that comp. against deft. Bill bennett & cross-complaint of said deft. are dismissed w/prej. (JOE-J) hm (c/m Johnson & Wallace)	
5-29	254	STIPULATED DISMISSAL OF all unresolved clms between Pltf. & deft. American Honda & ORDER ENTERED (JOE-J) b c/m McCarthy & Johnson	
7-1	255	MOTION by pltf to dismiss. (O) nd	
7-6	256	ORDER entered that complt be dismissed w/prej, w/costs to the pltf. (JOE-J) jc (c/m pltf)	
7-16	---	DEPOSITIONS returned to defts.am	

5/29 Dep Order re Am Honda to)

FPI-MAR

PLAINTIFF	DEFENDANT	DOCKET NO. _____ PAGE ____ OF ____ PAGES
-----------	-----------	---

DATE	NR.	PROCEEDINGS
------	-----	-------------

--	--	--